

REMARKS

Claims 1-13 are pending in this application, with Claims 1, 7, and 13 being independent. In this Amendment, Claims 2, 5, 6, 8, 11, and 12 have been amended. All amendments made herein are for reasons of clarity with respect to the specification, and not for reasons relating to the statutory requirements for patentability.

Background

Applicant believes that it is advantageous to provide background information to further distinguish the presently claimed invention over conventional methods of treating textiles. As discussed in Applicant's specification, in the Background of the Invention section:

In the case of application to leather, silicone compounds that are cured at an elevated temperature may cause the surface finish of the leather product to be irreparably damaged as a result of the natural oils in the leather being depleted. *While heat-cured silicone compounds generally offer a greater degree of moisture and liquid protection than conventional silicone compounds that are cured at a lower temperature, heat curing is particularly undesirable for many leather products* such as garments (e.g., coats, pants, etc.) and accessories (e.g, handbags, wallets, etc.) because loss of the natural oils and damage to the surface finish are especially objectionable to consumers of these types of leather products. Further, the loss of the natural oils during heat curing may severely compromise the useful life of the leather product by making the leather prone to cracking, tearing, fading, etc.

Accordingly, there is a need in the art for a method for treating textiles, and particularly leather, that *results in a high degree of protection from moisture and liquid, but does not cause discoloration or undesirable damage to the surface finish.* [Emphasis added.]

It is in this context that the presently claimed invention was made.

The Rejections

Claims 1-5 and 7-11 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 5,004,643 to Caldwell (hereinafter "Caldwell"). Claims 6 and 12-13 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Caldwell. Applicant respectfully traverses all art rejections.

Applicant respectfully submits that the disclosure of Caldwell fails to disclose or suggest the presently claimed invention. Applicant's independent Claims 1, 7, and 13 all feature at least the steps of (i) applying a PRE-CURED silicone product to the surface of the textile; and (ii) drying the textile. Applicant's claimed method of treating uses only silicone products that have already been cured prior to their application. This use of pre-cured silicone products is beneficial because no high heat curing step is required that may cause damage to the textile.

In contrast, Caldwell only discloses methods of treating textiles using CURABLE silicone products, i.e., silicone products that have not yet been cured. The textiles treated using uncured silicone products in accordance with the methods of Caldwell must be heat cured.

Applicant submits that the curable silicone compounds and textile treatment methods set forth in Caldwell are similar to those discussed in the Background of the Invention section quoted above. Caldwell utilizes a standard curable silicone compound, i.e., a silicone compound that is NOT pre-cured like the ones used in the present invention, and then proceeds to cure the curable silicone compound after it has been applied to a textile using a high heat setting.

This approach suffers from several drawbacks. Textiles that are treated using uncured, curable silicone compounds requiring high curing temperatures lose natural oils, and suffer from discoloration of the textile surface. These drawbacks are not present when the methods of Claims 1, 7, and 13, incorporating pre-cured silicone compounds, are used to treat textile and/or leather products.

In addition to using a completely different kind of silicone product, Applicant also wishes to point out that Caldwell discloses only a high heat curing step, carried out at 325° - 350°F. (See Caldwell, col. 47, lines 20-25.) The drying step of Caldwell is NOT carried out at 104°F, as was indicated in Paragraph 5 of the Office Action. The environmental chamber referred to in Example 21 of Caldwell (titled "Evaluation of Fiber Encapsulated Fabric Properties") was not used to prepare or process the textile, but rather refers to a completely unrelated procedure used to test an already treated textile.

The moisture vapor transmission (MVTR) test was conducted in accordance with ASTM E96-B. The test measures the amount of moisture vapor passing through a fabric sample in a controlled environment during a 24 hour period. The obtained MVTR figure is expressed in grams of water/square meter of surface/24 hour day. The environmental chamber was held at 104°F and 47% humidity." (See Caldwell, col. 48, lines 18-23.)


The MVTR test and the environmental chamber used to conduct it have nothing to do with a method of treating a leather good or textile according to the presently claimed invention.

Conclusion

Accordingly, Applicant submits that the presently claimed invention is allowable over the art of record, and respectfully requests issuance of a notice thereof.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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